2022 Feb-22 AM 10:23 U.S. DISTRICT COURT N.D. OF ALABAMA

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA MIDDLE DIVISION

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	MIDDLE DIVISION	2022 FEB 22 A 10: 20	
MITCHELL MARBURY,)	U.S. Francisco	
Plaintiff,)	N.U. of ALADMIN.	
vs.) Case No. 4:1	-CV-00925-CLS	
WARDEN DEWAYNE ES	TES, et al.,		
)		

Defendants.

ORDER

The magistrate judge filed a report on January 27, 2022, recommending that the court deny the motions filed by *pro se* plaintiff Mitchell Marbury for leave to conduct additional discovery, for default judgment against Warden Specks, and his crossmotion for summary judgment against Warden Specks be denied. The magistrate judge further recommended that the motions for summary judgment filed by defendants Carla Graham, DeWayne Estes, and Cedric Sparks be granted. *See* doc. no. 62. Plaintiff filed objections "in part" to the report and recommendation. *See* doc. no. 63.¹

Plaintiff's objections are essentially a reiteration of the arguments made in his

¹ Plaintiff stated "[c]oncurrence is asserted with respect to the recommendation that summary judgment be granted in favor of the three (3) Defendants, with summary judgment being granted in favor of Captain Carla Graham, Warden DeWayne Estes, and Warden Cedric Specks." Doc. no. 63, at 1.

motions. Upon review, the court is not convinced the magistrate judge made any errors of law.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the magistrate judge's report is hereby **ADOPTED**, and his recommendation is **ACCEPTED**. Plaintiff's motions for leave to conduct additional discovery and for default judgment against Specks are **DENIED**. The motions for summary judgment of defendants Carla Graham, DeWayne Estes, and Cedric Specks are **GRANTED**, and all of plaintiff's claims against them are **DISMISSED WITH PREJUDICE**. Plaintiff's cross-motion for summary judgment against defendant Specks is **DENIED**. The Clerk is directed to close this file.

DONE and **ORDERED** this 18th day of February, 2022.

Senior United States District Judge